

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

**KIMBERLY D. POLLARD
J.S. (MINOR CHILD)**

Cause No. _____

Plaintiffs,

PLAINTIFF'S ORIGINAL COMPLAINT
(Negligence/ Respondeat Superior)
(Sexual Abuse of a Child/*Respondeat Minor*),
Intentional Infliction of Emotional Distress/
Respondeat Minor)

v.

CHURCH OF GOD IN CHRIST, an active
domestic Tennessee nonprofit corporation; and
**CHURCH OF GOD IN CHRIST, BOARD OF
BISHOPS**, and, **BISHOP JAMES L'KEITH
JONES**

DEMAND FOR JURY TRIAL

Defendants.

PLAINTIFFS' ORIGINAL COMPLAINT

Plaintiffs file this Original Complaint and would show the Court as follows:

PARTIES

1. Plaintiff Kimberly D. Pollard, individually and as Custodial Parent of J.S., a minor, is a resident of Lubbock, Texas and lives within the Northern District of Texas.
2. Plaintiff, J.S. (minor child) is a resident of Lubbock, Texas and lives within the Northern District of Texas.
3. Defendant, Church of God in Christ Inc, is a non profit Tennessee corporation with its home office located at 938 Mason Street, Memphis, Tennessee 38126. Service of process on this Defendant can be completed by serving its registered agent, COGIC Office of General Secretary, 938 Mason Street Memphis Tennessee, 38126.
4. Defendant, Church of God in Christ Inc, Board of Bishops with its home office located at 938 Mason Street, Memphis, Tennessee 38126. Service of process on this Defendant can be completed by serving its attorney of record, C. Edward Watson Foulston Siefkin LLP 1551 N. Waterfront Parkway, Suite 100 Wichita, Kansas 67206-4466.
5. Defendant, Bishop James L'Keith Jones, Prelate of Jurisdiction of New Mexico for the

Church of God in Christ, Inc with its home office at 4800 Lomas Blvd NE Albuquerque, New Mexico 87110. Service of process on this Defendant can be completed by servicing his attorney of record, Ahmad Assed, Esq 818 5th St. NW Albuquerque, NM 87102.

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(a) because this controversy is between citizens of different states. In addition, the amount in controversy is in excess of \$75,000.00 U.S.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a)(2) because the Defendant has multiple churches under its control in this judicial district.

BACKGROUND FACTS

8. Plaintiff Kimberly D. Pollard (hereinafter "Plaintiff Pollard") is an adult female born January 29, 1979, who at all times relevant to this complaint, has been a member of The Church of God In Christ.

9. Plaintiff J.S. (hereinafter "Plaintiff J.S".) is a six year old child who was born on February 21, 2010 . Kimberly D. Pollard is her mother.

10. At all times relevant to this complaint, CHURCH OF GOD IN CHRIST, INC, (hereinafter "COGIC") an active domestic Tennessee nonprofit corporation; and CHURCH OF GOD IN CHRIST, INC BOARD OF BISHOPS; and BISHOP JAMES L'KEITH JONES were staffed wholly, as agents of Church of God in Christ, Inc..

11. At all times relevant to the allegations in this complaint, Church of God in Christ Board of Bishops (hereinafter "COGIC Board of Bishops"), and Bishop James L'Keith Jones (hereinafter "Bishops Jones"), were agents of one or both of the Defendant COGIC, INC having given lifetime vows of religious obedience and service. Within that agency, Bishop Jones provided teaching and spiritual guidance to Plaintiff, and was at all times acting within the course and scope of his employment or agency in performing duties for and on behalf of the Church of God in Christ, Inc. Within that agency, COGIC Board of Bishops provided teaching and spiritual guidance to Plaintiff, and was at all times acting within the course and scope of their employment or agency in performing duties for and on behalf of the Church of God in Christ, Inc.

12. Beginning on or about the year 1995, Plaintiff Pollard's relationship with Bishop Jones turned sexual while she was a minor. During the Holy Convocation in Albuquerque, NM in 1995 Bishop was then a Pastor, he used his relationship as a pastor to sexually assault Plaintiff Pollard, who was at that time a minor by the laws of the state of New Mexico, to engage in an illicit sexual relationship. Over the course of the next 20 years, Bishop Jones was promoted and given more authority and responsibility by COGIC, which he used to continue an ongoing sexual relationship with Plaintiff Pollard by using coercion, threats, and his position as a spiritual advisor. Also during this 20 year period, Bishop Jones became married to someone other than Plaintiff Pollard and he continued to have this illicit sexual relationship with Plaintiff Pollard outside the bounds of his marriage. During this period, Plaintiff Pollard became pregnant with a child that was not fathered by Bishop Jones in which Bishop Jones became irate and demeaning to Plaintiff Pollard accusing her of violating the trust of their relationship. Multiple times during the 20 year illicit affair, Plaintiff Pollard would attempt to disengage from the relationship and advocated to confessing her sins to the church. Each time, Bishop Jones would inform Plaintiff Pollard that no one would believe her because he was too powerful and had too many connections within the church. He told her the only result of her confession would be her embarrassment and humiliation because no one would believe her allegations.

13. On or about February 16, 2016, Bishop Jones sent Plaintiff J.S. (minor child), a Glide messaging video in which Bishop Jones stated to J.S. (minor child) "you look very "sexy" in you night gown". During an earlier conversation with Plaintiff Pollard, Bishop Jones stated that he would just wait for Plaintiff J.S. (minor child) to become 18 and he would just date her then. Plaintiff Pollard then realized that Bishop Jones had groomed her as a minor and was now attempting to groom her minor child J.S.(minor child) as he did Plaintiff Pollard. Prior to February 16, 2016, Plaintiff Pollard did not discover, and could not reasonably have discovered, the causal connection between the abuse and the injuries she suffered as a result of the abuse.

14. The Grievance Committee of the Board of Bishops were made aware of the situation in March of 2016. On September 19, The Grievance recommended to the Board of Bishops that this matter be set for trial. On September 23, 2016 the Board of Bishops made the decision NOT to advance this matter to trial, and by so doing failed to follow COGIC rules and procedures.

FIRST CLAIM OF RELIEF

(Negligence / Respondeat Superior)

15. Plaintiff realleges and incorporates by reference paragraphs 8 through 14, above.

16. COGIC, INC and Church of God in Christ Board of Bishops was negligent in its supervision of Bishop Jones throughout the 20 year affair with Plaintiff Pollard. COGIC, Inc and Church of God in Christ Board of Bishops failed to properly supervise him and to pursue through investigation other allegations of misconduct by Bishop Jones. They knew or should have known of the illicit conduct that Bishop Jones was engaging in with Plaintiff Pollard because a basic investigation would have revealed these facts.

17. The Grievance Committee found during its investigation that there was just cause to believe that Bishop Jones, Jurisdictional Prelate of the New Mexico Jurisdiction has violated Article VIII of the COGIC Constitution by engaging in sexual acts with Plaintiff Pollard to whom he is not now nor has ever been married.

18. The Grievance Committee found there was just cause to believe Bishop Jones, Jurisdictional Prelate of the New Mexico Jurisdiction, failed to abide by the rules and regulations of the Church of God in Christ by coercing Plaintiff Pollard and by exploiting his position to continue in and extra-marital affair.

19. The Grievance Committee found that there is just cause to believe that Bishop Jones, Jurisdictional Prelate of the New Mexico Jurisdiction, has violated Article VIII, of the COGIC Constitution, conduct unbecoming a Bishop, by and because of his sexual and illicit relationship with Plaintiff Pollard.

20. On or about September 19, 2016, The Grievance Committee found that they had no choice but to submit this matter to the Board of Bishops for a full trial.

21. On or about September 23, 2016, just 4 days after the Grievance Committee submitted this matter to the Board of Bishops for full trial, the Board of Bishops responded with their decision not to advance this matter to trial.

22. Because of the reasons mentioned here, it is clear that COGIC, Inc and COGIC Board of Bishops was negligent in supervising Bishop James L'Keith Jones. That negligence placed Plaintiff Pollard and Plaintiff J.S. (minor child) in jeopardy for Bishop Jones to prey on the Plaintiffs for many years. This predatory behavior has caused irreparable harm to both plaintiff Pollard and Plaintiff J.S. (minor child) from an emotional, physical and a psychological stand point.

SECOND CLAIM FOR RELIEF

(Sexual Abuse of a Child/*Respondeat Minor*)

23. Plaintiff realleges and incorporates by reference paragraphs 8 through 14, above.

24. Defendant COGIC, Inc empowered both COGIC Board of Bishops and Bishop Jones to perform all duties of a bishop, including spiritual and religious service, counseling, spiritual and moral guidance, religious instruction, and other duties of a bishop. Defendant COGIC, Inc knew that as part of their duties as bishops, COGIC Board of Bishops and Bishop Jones would be in a position of trust and confidence with students and their families, including the Plaintiff in this case.

25. While being a bishop for COGIC Inc, Bishop Jones gained Plaintiff Pollard's trust and confidence, and sought and gained the obedience of Plaintiff Pollard that she was to have respect for his authority. As a result, Plaintiff Pollard was conditioned to trust Bishop Jones, to comply with Bishop Jones' direction, and to respect Bishop Jones as a person of authority in spiritual, moral and ethical matters.

26. Bishop Jones, while acting within the course and scope of his employment and agency, and using the authority and position of trust as a bishop for the Defendant COGIC, Inc induced and directed Plaintiff Pollard to engage in various sexual acts with Bishop Jones.

27. Bishop Jones used the process described above to accomplish his acts of sexual molestation of the Plaintiff Pollard. Bishop Jones' conduct as described above, was (1) committed in direct connection and for the purposes of fulfilling Bishop Jones' employment and agency with the Defendant COGIC, Inc; (2) committed within the time and space limits of his employment and agency as bishop; (3) done directly in the performance of his duties as bishop; (4) undertaken, at least in part, with the desire to serve the Defendant COGIC, Inc; (5) were generally actions of a kind and nature which Bishop Jones was required to perform as bishop; and (6) was done at the direction of, and pursuant to, the power vested in him by the Defendant COGIC, Inc.

28. As a result of Bishop Jones' sexual abuse, sexual molestation, manipulation and controlling behavior, he abused his position of authority, trust and position as a bishop and authority figure to the Plaintiff Pollard. Plaintiff Pollard has suffered economic and non-economic damages as detailed below.

THIRD CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress/*Respondeat Minor*)

29. Plaintiff realleges and incorporates by reference paragraphs 8 through 14, above.

30. Bishop Jones, while engaging in the process described above, knowingly and intentionally caused severe emotional distress to Plaintiff Pollard when he engaged in sexual abuse, sexual molestation, manipulation and controlling behavior, with Plaintiff Pollard. Plaintiff Pollard did in fact suffer severe emotional distress as a result of Bishops Jones' sexual deviant conduct, and the sexual molestation and sexual intercourse with a child is beyond the bounds of all socially acceptable conduct.

31. Bishop Jones used the process described above to intentionally inflict severe emotional distress by his acts of sexual molestation of Plaintiff Pollard, and his conduct described above was (1) committed in direct connection and for the purposes of fulfilling Bishop Jones' employment and agency with the Defendant COGIC, Inc; (2) committed within the time and space limits of his employment and agency as a bishop; (3) done directly in the performance of his duties as a bishop; (4) undertaken, at least in part, with the desire to serve the Defendant COGIC, Inc; (5) was generally actions of a kind and nature which Bishop Jones was required to perform as a bishop; and (6) was done at the direction of, and pursuant to, the power vested in him by the Defendant COGIC, Inc.

FOURTH CLAIM OF RELIEF

(Intentional Infliction of Emotional Distress/*Respondeat Minor*)

32. Plaintiff realleges and incorporates by reference paragraphs 8 through 14, above

33. Bishop Jones, while engaging in the process described above, knowingly and intentionally caused severe emotional distress to Plaintiff J.S. (minor child) when he engaged in the process of grooming her for his future sexual deviant purposes with Plaintiff J.S. (minor child). Plaintiff J.S. (minor child) did in fact suffer severe emotional distress as a result of this sexual grooming, and the sexual grooming of a child is beyond the bounds of all socially acceptable conduct.

34. Bishop Jones used the process described above to intentionally inflict severe emotional distress by his acts of sexual grooming and predation of the Plaintiff, and his conduct described above was (1) committed in direct connection and for the purposes of fulfilling Bishop Jones' employment and agency with the Defendant COGIC, Inc; (2) committed within the time and space limits of his employment and agency as a bishop; (3) done directly in the performance of his duties as a bishop; (4) undertaken, at least in part, with the desire to serve the Defendant COGIC, Inc; (5) was generally actions of a kind and nature which Bishop Jones was required to perform as a bishop; and (6) was done at the direction of, and pursuant to, the power vested in him by the Defendant COGIC, Inc.

As a result of Bishop Jones' intentional infliction of emotional distress, Plaintiff Pollard and Plaintiff J.S. (minor child) have suffered damages as detailed above.

WHEREFORE, Plaintiff Pollard and Plaintiff J.S. (minor child) prays for judgment against Defendant COGIC Inc, Defendant COGIC Board of Bishops, and Defendant Bishop Jones and each of them, as follows:

1. Non-economic damages for Plaintiff Pollard in the amount of \$6,000,000.00, the exact amount to be determined by the jury at the time of trial;
2. Economic damages for Plaintiff Pollard in the amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;
3. For Plaintiff Pollard's costs and disbursements incurred; and
4. For any other relief this Court deems just and equitable.
5. Non-economic damages for Plaintiff J.S. (minor child) in the amount of \$6,000,000.00, the exact amount to be determined by the jury at the time of trial;
6. Economic damages for Plaintiff J.S. (minor child) in the amount of \$100,000.00, the exact amount to be determined by the jury at the time of trial;
7. For Plaintiff J.S. (minor child) costs and disbursements incurred; and
8. For any other relief this Court deems just and equitable.

DATED this **26th** day of **OCTOBER, 2016**.

/s/ *Jerry Matthews*

Jerry G. Matthews,

/s/ *Ron McLaurin*

Ron McLaurin

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PLAINTIFF'S ORIGINAL COMPLAINT**,
upon:

Ahmad Assed, Esq. record of Attorney for Bishop Jones
818 5th St. NW
Albuquerque, NM 87102
T: 505-246-8373
ahmad@assedlaw.com

C. Edward Watson II- record of Attorney for COGIC Board of Bishops
Foulston Siefkin LLP
1551 N. Waterfront Parkway, Suite 100 Wichita, Kansas 67206-4466
T: 316-291-9549
cewatson@foulston.com

Office of the General Secretary- record to accept service for COGIC, Inc.
Bishop Joel Harley Lyles, Jr.
938 Mason Street
Memphis, TN 38126
T: 901-947-9300

Of Attorneys for Defendants

by mailing a copy thereof, contained in a sealed envelope, with postage thereon prepaid, addressed to said attorney, and deposited in the United States Post Office at Amarillo, Texas 79106.

Law Offices of Jerry G. Matthews

/s/ *Jerry Matthews*

Jerry G. Matthews
Attorney for Plaintiff
State Bar # 13207710
300 West Bedford St
Dimmitt, Texas 79027
T: 806-647-0404
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Ron McLaurin Attorney at Law

/s/ *Ron McLaurin*

Ron McLaurin
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State Bar# 13744700 1401 Crickets
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F: 806-741-1124

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) _____

DEFENDANTS"

County of Residence of First Listed Defendant" _____
(IN U.S. PLAINTIFF CASES ONLY)"

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED."

Attorneys (If Known)" _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|--|----------------------------|----------------------------|--|----------------------------|-----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State" | <input type="checkbox"/> 4 | <input type="checkbox"/> 4" |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State" | <input type="checkbox"/> 5 | <input type="checkbox"/> 5" |
| Citizen or Subject of a Foreign Country" | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6" |

IV. NATURE OF SUIT (Place an "X" in One Box Only)"

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES"	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions"	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act" <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))" <input type="checkbox"/> 400 State Reapportionment" <input type="checkbox"/> 410 Antitrust" <input type="checkbox"/> 430 Banks and Banking" <input type="checkbox"/> 450 Commerce" <input type="checkbox"/> 460 Deportation" <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations" <input type="checkbox"/> 480 Consumer Credit" <input type="checkbox"/> 490 Cable/Sat TV" <input type="checkbox"/> 850 Securities/Commodities/" Exchange" <input type="checkbox"/> 890 Other Statutory Actions" <input type="checkbox"/> 891 Agricultural Acts" <input type="checkbox"/> 893 Environmental Matters" <input type="checkbox"/> 895 Freedom of Information Act" <input type="checkbox"/> 896 Arbitration" <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision" <input type="checkbox"/> 950 Constitutionality of State Statutes"
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition" <input type="checkbox"/> 560 Civil Detainee - "Conditions of Confinement"			

V. ORIGIN (Place an "X" in One Box Only)"

- ☐ 1 Original" Proceeding" ☐ 2 Removed from" State Court" ☐ 3 Remanded from" Appellate Court" ☐ 4 Reinstated or" Reopened" ☐ 5 Transferred from" Another District" (specify)" ☐ 6 Multidistrict" Litigation -" Transfer" ☐ 8 Multidistrict" Litigation - Direct File"

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority for Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (7) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or a similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.